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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,379	02/28/2002	Akemi Hirotsune	H&A-108	1244

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EXAMINER

AUGUSTIN, EVENS J

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 10/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,379

Applicant(s)

HIROTSUNE ET AL.

Examiner

Evans Augustin

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Status of Claims

Applicant's amendment such as "provided in a recording medium and which is recognized as an area in which recording is limited, **but in which the recording limit is able to be canceled**" **and the addition of claims 17-25**, filed on 07/21/06 necessitated the new grounds of rejection presented in this Office action.

Claims 1-6 and 8-16 have been examined.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6 and 8-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueki (U.S 6, 678,236), in view of Ueseka et al. (US 6,044,157).

3. The United States Patent and Trademark Office is interpreting the claims as displaying prerecorded information in an area of optical disk and recording disk information in the prerecorded information/data. In this case, the prerecorded data is advertisement.

As per claims 1-6 and 8-25, Ueki discloses a method and an apparatus for recording information on a recording medium. In addition, this invention relates to a method and an apparatus for reproducing information from a recording medium. The invention comprises of:

- The **lead in area** of the disk is being made a **recording-limited area** by error correction process on a signal read out from a recording disc, for example, a **DVD-Video or a DVD-RW**. In this case, the **signal or data being read** is copy protection data (column 10, lines 33-36, lines 44-54). However, artisans in the art would understand that the **data could any data, including advertising data** (Per Merriam-Webster's dictionary, **data = 1**: information output by a sensing device or organ that includes both useful and irrelevant or redundant information and must be processed to be meaningful **2**: information in numerical form that can be digitally transmitted or processed). – *Claim 1, 13-16*
- Figure 15 shows the sequence of events in the lead area when recording is initiated. First, the data is recorded, and continues until pit area where the prerecorded data is located. At that point, recording is suspended and the system changes operation from recording to playback. **At the end of the playback operation recording is resumed (equivalent to canceling the recording-limited area)** (column 26, lines 48-67). Data is recorded in the lead-in area (column 11, lines 1-15). Content to be recorded in the lead in area contains data sectors and those sectors are composed of **ID information (equivalent to address information)**, an ID-information error correction code (IED) 22, reserved data, a data region 24, and an error detection code (EDC) (column 11, lines 31-37). **Address information or allocation data is recorded** in the lead in area (column 17, lines 15-37) -. *Claims 1, 2, 9, 13-16*
- The pre-recorded data, in this case, copyright information of disk, **is represented by pits** (column 9, lines 48-49). At an initial stage of a recording mode of operation of the

apparatus, the **address information** is reproduced from the address pre-pits in the DVD-RW. During a later stage of the recording mode of operation, **recording positions on the DVD-RW are decided in response to the address information** (equivalent to allocation information), and **lead-in information and contents information are recorded on the decided recording positions of the DVD-RW** (column 18, lines 30-36). The lead-in area has recording areas, **except where the copyright information is location** (column 17, lines 1-21). **Inherently, since the copyright information area cannot be erased or overwritten (column 14, lines 17-20), the reading of it address information is impossible.** Since no recording can be done in prerecorded area, the address information is **inherently erased (can't be read) – Claims 2-3, 9-10, 13-16**

- Figure 15 shows the sequence of events in the lead area when recording is initiated. First, the data is recorded, and continues until pit area where the prerecorded data is located. At that point, recording is suspended and the system changes operation from recording to playback. **At the end of the playback (display) operation recording is resumed (equivalent to canceling the recording-limited area)** (column 26, lines 48-67). Since no recording can be done in prerecorded area, the address information is inherently **erased (can't be read)– Claims 1-3, 9-10, 13-16**
- The playback signal can be displayed via a **monitor device (a display)** (column 21, lines 9-10) - **Claims 4, 8**
- The lead-in area of the disc contained **predetermined information** (column 7, lines 26-28). That **predetermined information** can be information related to the manufacture of the disc, information of a contents start position, and copyright-protection-related

information (column 17, lines 5-7). **Since is that information is predetermined, one skilled in the art would be able to put any type of previously recorded information on the disk, including advertisement. – Claims 5-6**

- As previously shown, the pre-recorded is displayed through **error** or **defective** read out (column 10, lines 33-36, lines 44-54). The system also shows that it can correct the errors, where the data amount (the number of bits) of the recorded copyright-protection-related information is within the range of the ability of an ECC (**error correction code**) block, containing the pre-pit area, to **correct errors** (equivalent to no longer defective) (column 10, lines 33-44). - *Claims 17, 20, 23*
- Figure 15 shows the sequence of events in the lead area when recording is initiated. First, the data is recorded, and continues until pit area where the prerecorded data is located. At that point, recording is suspended and the system changes operation from recording to playback. **At the end of the playback operation (which is the specified event), recording is resumed (equivalent to canceling the recording-limited area)** (column 26, lines 48-67) – *Claims 18-19, 21, 24*
- The playback signal can be displayed via a **monitor device (a display)** (column 21, lines 9-10) - *Claims 4, 8, 22, 25*

Ueki did not explicitly describe a method/system in which data recorded on an optical disk is encrypted. However, Ueseka et al. describes a method/system that teaches encrypted data from an optical disk such as DVD (column 20, lines 11-12). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to

Art Unit: 3621

encrypt pre-recorded data on an optical disk because it prevent piracy of the disks (column 4, line 56) by enabling the prohibition of illegal copies and malfunctions to be achieved (column 6, lines 51-52).

Conclusion

1. **THIS ACTION IS MADE FINAL.** Any new ground(s) of rejection is due to the applicant's amendment. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evens Augustin whose telephone number is 571-272-6860. The examiner can normally be reached on Monday thru Friday 8 to 5 pm.

Art Unit: 3621

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on 571-272-6779.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is 571-272-6584.



Evens J. Augustin
October 12, 2006
Art Unit 3621

KAMBIZ ABDI
PRIMARY EXAMINER

